

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

BRIAN C. BENSON,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 20-1057-JDT-cgc
	)	
HARDIN COUNTY, TENNESSEE,	)	
ET AL.,	)	
	)	
Defendants.	)	
	)	

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ORDER DISMISSING CASE,  
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH,  
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

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On October 8, 2020, the Court issued an order dismissing Plaintiff Brian C. Benson's *pro se* complaint and granting leave to file an amended complaint. (ECF No. 5.) Benson was warned that if he failed to file an amended complaint within twenty-one days, the Court would dismiss the case in its entirety, assess a strike pursuant to 28 U.S.C. § 1915(g), and enter judgment. (*Id.* at PageID 29.)

A copy of the Court's October 8 order was sent to Benson at his address of record but was returned undeliverable on October 26, 2020. (ECF No. 6.) Benson also has not filed an amended complaint, and the time within which to do so has expired. Therefore, this case is DISMISSED with prejudice in its entirety, and judgment will be entered in accordance with the October 8, 2020, order dismissing the original complaint for failure to

state a claim on which relief may be granted. Benson is assessed his first strike under § 1915(g). This strike shall take effect when judgment is entered. *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015).

It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Benson would not be taken in good faith. Leave to appeal *in forma pauperis* is DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE